

Bureau of Internal Affairs
Area South Investigations

25 Nov 2016
Log#1081725

TO: Commanding Officer
Bureau of Internal Affairs
Area South Investigations

FROM: Sergeant James FIEDLER #1989
Bureau of Internal Affairs
Area South Investigations

SUBJECT: Approval of Complaint Log Investigation

The attached Complaint Log Investigation has been completed and is submitted for your approval.

[REDACTED]
[REDACTED]
Sergeant James FIEDLER #1989
Bureau of Internal Affairs
Area South Investigations

Lieutenant Gregory KLICHOWSKI #386
Bureau of Internal Affairs

SUMMARY REPORT DIGEST
CHICAGO POLICE DEPARTMENT

LOG NO

1081725

TYPE

CR

DATE OF REPORT

25-NOV-2016

INSTRUCTIONS: To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED, NO AFFIDAVIT, or in SUSTAINED cases where the Disciplinary Recommendation does not exceed Five (5) DAYS SUSPENSION.

TO: CHIEF ADMINISTRATOR,
INDEPENDENT POLICE REVIEW AUTHORITY

CHIEF,
BUREAU OF INTERNAL AFFAIRS

FROM - INVESTIGATOR'S NAME	RANK	STAR NO	EMPLOYEE NO	UNIT ASSIGNED	UNIT DETAILED
FIEDLER, JAMES	9171	1989	[REDACTED]	121	

REFERENCE NOS.(LIST ALL RELATED C.L., C.B., I.R., INVENTORY NOS., ETC., PERTINENT OF THIS INVESTIGATION)

INCIDENT ADDRESS: 4710 S. DR MARTIN LUTHER KING JR DR, CHICAGO, IL 60615 DATE / TIME: 04-AUG-2016 14:08 BEAT: 224

ACCUSED

NAME	RANK	STAR NO	EMP NO	UNIT ASSIGNED	UNIT DETAILED	SEX/RACE	DOB	APPOINTED DATE	ON DUTY ?	SWORN ?
SUSNIS, SHAUN M	9161	3178	[REDACTED]	002		M / WHI	[REDACTED] 1988	28-APR-2014	YES	YES
FIGUEROA, GABRIELA	9161	2931	[REDACTED]	002		F / WWH	[REDACTED] 1983	26-AUG-2013	YES	YES

REPORTING PARTY

NAME	ADDRESS*	CITY	TELEPHONE	SEX / RACE	DOB / AGE
RUSH, BOBBY	[REDACTED]			M / BLK	/

VICTIMS

NAME	ADDRESS*	CITY	TELEPHONE	SEX / RACE	DOB / AGE
RUSH, BOBBY	[REDACTED]			M / BLK	/

WITNESSES

NAME	ADDRESS*	CITY	TELEPHONE	SEX / RACE	DOB / AGE
GREEN, VICTOR	RANK: 9173,STAR NO: 257,EMP NO:[REDACTED]			M / BLK	[REDACTED] 1968 / 48

* IF CPD MEMBER, LIST RANK, STAR, EMPLOYEE NOS. IN ADDRESS, PAX/BELL IN TELEPHONE BOX.

ALLEGATIONS

Note: Log "Type" is classified CR- Sworn Affidavit on file.

It is alleged by Bobby RUSH that on 04 Aug 2016 @1455hrs at 4710 S King Dr, that the accused Officers, Police Officer Shaun SUSNIS #3178 Employee # [REDACTED] 002nd District, and Police Officer Gabriela FIGUEROA #2931 Employee # [REDACTED] 002nd District, curbed the vehicle that RUSH was driving due to racial profiling.

SUMMARY

SEE ATTACHED

ATTACHMENTS

INVESTIGATIVE REPORTS - SUPPORTING ALLEGATIONS LIST ATTACHMENTS NUMBER	INVESTIGATIVE REPORTS - SUPPORTING ACCUSED MEMBERS(S) LIST ATTACHMENTS NUMBER:	PHYSICAL EVIDENCE LIST ATTACHMENTS NUMBERS:	TOTAL NUMBER OF ATTACHMENTS SUBMITTED WITH THIS FILE:
None	4,7,8,9,10,11,12,13,14,16, 17,18,19,21,23,24,25	None	25

FINDINGS - RECOMMENDATIONS

FINDINGS:

Accused: Police Officer Gabriella FIGUEROA #2931 Employee# [REDACTED] 002nd District
Allegation: UNFOUNDED

Accused: Police Officer Shaun SUSNIS #3178 Employee# [REDACTED] 002nd District
Allegation: UNFOUNDED

RECOMMENDATION:

Case to be filed

DATE INITIATED
(Date incident was received for investigation)

12-AUG-2016

DATE COMPLETED (Date of this report)

25-NOV-2016

ELAPSED TIME
(Total time expressed in days)

105

Investigator will initiate the Command Channel Review form by
completing the Investigator's Section.

INVESTIGATOR'S SIGNATURE

IF NECESSARY, USE AN 8 1/2 x 11" SHEET OF WHITE PAPER TO CONTINUE ANY ITEM.

INVESTIGATION

-This complaint was registered on 04 Aug 2016 and assigned to the undersigned on 12 Aug 2016. The case file was found to contain the Face Sheet (ATT#1) and the Initiation Report (ATT#4), authored by Sgt Cynthia NICHOLS #850.

-The undersigned sent the reporting party a Certified Letter (ATT#5) 16 Aug 2016. A notice was left 20 Aug 2016 per the USPS website. The undersigned attempted to contact the reporting party (ATT#6) via phone at the number listed on the Face Sheet [REDACTED] [REDACTED] on 16 Aug 2016 @1545hrs. An UNK woman answered who related that the undersigned had the wrong telephone number. The undersigned read the number back to the woman who confirmed that the correct number was dialed. The undersigned confirmed that the number on the Face Sheet matched that on the Initiation Report.

-On 24 Aug 2016 @1500hrs, the undersigned, along with Sgt John SPELLMAN #981 of this command, conducted a house visit at the address listed on the Face Sheet [REDACTED] [REDACTED]. There was no answer to the ringing of the intercom outside the locked gate. The undersigned and Sgt SPELLMAN checked the garage area and observed a gentleman who identified himself as [REDACTED] who related that the reporting party was not present. The undersigned explained the reason for the visit to [REDACTED] and tendered a business card to him with contact information of the undersigned, asking that the reporting party contact the undersigned with regard to this investigation. [REDACTED] related that he would forward the information to the reporting party. The undersigned and SPELLMAN thanked [REDACTED] for his cooperation and returned to the Public Safety Headquarters.

-On 29 Aug 2016 @1700hrs the reporting party, Bobby RUSH, telephoned the undersigned. The Sworn Affidavit process was explained to the reporting party and it was requested that he meet the undersigned at the Public Safety Headquarters for an interview and to sign a Sworn Affidavit. The reporting party related that he was to travel to Washington on Tuesday, 06 Sep 2016, as he is a sitting US Congressman and requested that the interview be set for 01 Sep 2016. He related that he would call the undersigned 30 Aug 2016 after checking his schedule to set a time. The reporting party did not call on 30-31 Aug 2016.

-On 01 Sep 2016 @ 1540hrs the reporting party appeared unannounced at the Public Safety Headquarters for an interview and to sign a Sworn Affidavit. During his interview, RUSH related the following in essence and not verbatim (ATT#7): RUSH stated that during the incident he was the sole occupant of his vehicle and that his Lexus 450H has window tint on the rear driver and passenger windows. He related that the first time he observed the Officers' vehicle it was behind him and he did not notice them until they had their emergency equipment activated. After he was curbed he believed the female Officer was a Latina and that the male Officer was Caucasian. RUSH related that the female Officer (FIGUEROA) informed him that the reason for stopping RUSH was that his plates didn't match the vehicle and that a check of the plates showed it registered to a

Cadillac. RUSH admitted that he produced an expired insurance card upon her request, though she never asked to see his current card later in the stop. RUSH stated that he was not issued any citations during the stop (ATT#7).

RUSH stated that he never had any interaction with the male Officer (SUSNIS) and that he had been the driver of the squad car. He continued on to say that SUSNIS never left from behind the wheel of the squad car during the stop (ATT#7).

When asked what actions that the Officers took that led him to believe that he had been racially profiled during the interaction, RUSH responded that it did not make sense to him that his plates, which he had for 24 years, would be assigned to a Cadillac. RUSH related that he became suspicious because he "knows the connotations of a Cadillac and a black man." He related that his are the only plates like it in America with the number "1" and "U.S. Congress" written above it. Further, RUSH stated that it was his opinion that the reason the Officers determined that the plates were not registered to RUSH was that the Officers had run the plate prior to exiting the squad car. RUSH related that he had taken his vehicle to the car wash earlier in the afternoon, and that there was Armor All on the tires, and that he felt that this "attracted" them to his vehicle. RUSH related that he is an aged black man, and at the time of the stop he was not wearing a cap, so the Officers saw his gray hair. RUSH related that "...they stopped me for no other reason other than a black man driving a Lexus east on 47th St. That's why I knew I was racially profiled. An aged white man on 47th St on a bright and sunny afternoon wouldn't have been stopped." RUSH continued to say that, "...they just wanted to show me that even though I was a Congressman, I was still a nigger." RUSH stated that there was a CTA bus full of passengers, "black people in the median strip," and "traffic flowing in four different directions, and everyone was attracted to the scene." RUSH stated that he was not issued any citations which made him question the reason for the stop (ATT#7).

RUSH related that most of the individuals nearby at the time and location of the stop were black. RUSH was asked if there was anything else he wished to add that was relevant to the investigation. RUSH replied that he had nothing to add, as he "said it all in the essentials of it." (ATT#7)

RUSH reviewed the Written copy of the interview and was afforded the opportunity to amend it as he felt necessary, after which he signed the last page and initialed each prior page. A Sworn Affidavit (ATT#3) was drafted. After RUSH reviewed the document, he signed it (ATT#7).

In his interview RUSH did not offer any reasonable articulable suspicion that the stop in question was due to racial profiling (ATT#7).

-From the Information Services Division, the undersigned received copies of the body cam (ATT#11) and dash cam (ATT#12) footage which memorialized the traffic stop in question. The following is a synopsis of the interaction. In the dash cam footage it begins with the police vehicle in traffic behind RUSH's vehicle. As the audio is engaged, SUSNIS is heard to run the license plate of RUSH's vehicle over the air as they curb the

vehicle. The body cam video shows that FIGUEROA was the driver of the police vehicle at the time of the stop. Upon exiting the police vehicle FIGUEROA approaches RUSH's vehicle and greets RUSH, a dispatcher is heard asking if Beat 231 (the Accused) are "looking at" a tan Cadillac. SUSNIS is heard to reply that the vehicle is a Lexus. The body cam footage shows that at the time of the stop, RUSH was wearing a light-colored baseball-style cap. During the interaction, SUSNIS can be seen on the passenger side of the vehicle as the "guard" Officer while FIGUEROA was the "business" Officer. FIGUEROA related the reason for the stop and that it was being audio and video recorded. RUSH identified himself as a U.S. Congressman and that the vehicle was "a government leased vehicle." RUSH provided a drivers license and insurance card, and was informed that the insurance card he provided was expired. RUSH stated that he had a valid card in the glove compartment. FIGUEROA told him that she was going to run a check to "see what was going on with these plates." She then proceeded to the squad vehicle to perform an inquiry. As she and SUSNIS enter the vehicle FIGUEROA is heard to say, "Um, that's Bobby RUSH." The dash cam footage during that time shows that SUSNIS, while acting as guard Officer, inspects the license plate at the rear of the vehicle as well as walking near the front passenger quarter panel of the vehicle. While in the police vehicle, the dispatcher relates again that the only information returned on the plate comes back to a Cadillac and asks if the Officers have a VIN to run. SUSNIS is heard running a VIN check through the dispatcher. Moments later the dispatcher is heard to say that the VIN comes back as "no record on file." Shortly after, the Officers exit their vehicle and FIGUEROA approaches RUSH and informs him, not verbatim, that they do not know why the plates are coming back to another vehicle. RUSH, after a short conversation, relates that he was upset that he was curbed requests FIGUEROA'S identifiers, which she supplies. FIGUEROA attempts de-escalation techniques by using a calm tone and demeanor as well as verbiage (FIGUEROA expressed understanding of RUSH's feelings, and after RUSH mentioned twice that he was embarrassed about being stopped, FIGUEROA attempted to allay his concern by telling him that there was no reason to be embarrassed) in an attempt to calm RUSH. RUSH relates that he is going to the District station to file a complaint. Moments later, the stop is terminated (ATT#11-12).

-A search of the CLEAR Database (electronic) revealed that a Traffic Stop Statistical Study Card (TSSS Card) (ATT#10) had been completed by Officer FIGUEROA, documenting this incident. The electronic version of the card documents that RUSH was curbed for 625ILCS5.0/3-701-1: No Valid Registration. It is further documented that there was no search of the vehicle/occupant requested or performed. It should be noted that the time of the stop was entered erroneously as 1645hrs (1455hrs was the accurate time of the stop), and listed the vehicle as a 2010 Lexus LS400 (which is a 4dr sedan). RUSH stated and LEADS (ATT#8) lists the vehicle as a 2015, and RUSH stated that the vehicle is a 450H model (which is a sport utility vehicle). A search of the CLEAR Database further revealed that an Investigatory Stop Report (ISR)(ATT#24) had also been completed by Officer FIGUEROA. This report properly documented the time of the stop, but contained the same errors regarding the vehicle information. The narrative portion offers that the vehicle was curbed after a plate check showed that the plate on the vehicle belonged on a Cadillac, but the vehicle in traffic was a Lexus. The narrative

continues to say that a traffic stop was conducted and the driver was informed of the violation. The report also documents that the Officers believed that the vehicle could be stolen (ATT#10,24). The undersigned located the original paper copy of the TSSS Card (ATT#25). The time is listed on the original card properly as 1455hrs, though the other minor errors are present.

Due to the totality of the circumstances, the Officers had reasonable articulable suspicion to curb the vehicle. The errors on the TSSS Card and ISR are minor, but do not rise to the level of misconduct. They are more appropriately addressed as a training issue.

-The undersigned conducted a LEADS search (ATT#8) of license plates "1" (type LE) and "1CG" (type LE). If the plate is run as "1" and the type of plate is entered as "LE," the LEADS information shows that the vehicle is registered to [REDACTED] on a 2016 Cadillac Sedan. If the plate is run as "1CG" and the type of plate is entered as "LE," the LEADS information shows that the vehicle is registered to Bobby RUSH on a 2015 Lexus Utility vehicle (ATT#8).

-The undersigned performed a search of the Illinois Secretary of State's website, www.Cyberdriveillinois.com. On the License Plates page it is documented that there are currently one-hundred nine (109) Illinois specialty license plates on the road today. It should be noted that other than a regular passenger plate, all the other types require individual special procedures to run them properly (ATT#9).

-Due to the number of Illinois plates as well as other states, and the fact that there are so great a number of different codes and procedures to run them, the undersigned contacted Lt Steven SESSO (now Captain, Star #88) of the Chicago Police Training Academy. Capt SESSO drafted a To-From-Subject Report (ATT#18) and forwarded it to the undersigned, along with a copy of the CPD User's Guide to Hot Desk-Inquiry (ATT#19). In his report, SESSO documented that he served as the Commanding Officer of Recruit Training from July 2014 until 30 Sept 2016. He noted that since August 2013, and even prior, recruits receive instruction in operating both Personal Data Terminal and Hot Desk applications, which involves instruction on how to perform inquiries with regard to running license plates but does not explain the definitions of the plates. SESSO related that since 2012 "there has been no additional in-service training relative to properly running the 100+ types of Illinois license plates which are present and available to Illinois residents today." Lastly, SESSO documented that the LEADS training which is required every two years deals more with deciphering license plate information and not directly with running the 100+ types of Illinois license plates (ATT#18).

The User's Guide to Hot Desk- Inquiry provides general information on how to run license plates but does not inform as to how to run specific types of license plates (ATT#19).

-The undersigned drafted a BOS Service Request which was approved and forwarded to the Information Services Division requesting documentation as to who, if anyone, ran license plate "1" (type LE) and "1CG" (type LE) on 04 Aug 2016 between 1430-1530hrs.

The results show that the plate "1" (type LE) was run on PMDT5318 which at the time was logged onto by accused Officer Gabriela FIGUEROA under her PC# PC0 [REDACTED] at 1455hrs. The same plate was again run at 1458hrs by PD31, Operator #D [REDACTED]. OEMC documents that the Operator was Carol JORDAN, an OEMC Dispatcher seated at PD [REDACTED] (ATT#13).

The undersigned drafted a BOS Service Request which was approved and forwarded to the Information Services Division requesting documentation as to whether the accused Officers ran any other license plates on 04 Aug 2016. The results show that multiple vehicle inquiries were performed by the accused (ATT#14).

-In the Initiation Report (ATT#4) it is noted by Sgt Cynthia NICHOLS #850 that there had been numerous vehicles stolen from the suburbs which had been recovered in the 002nd District in the weeks prior to the date of the incident. The undersigned conducted a CLEAR Data Warehouse inquiry (ATT#17) encompassing, in part, the following parameters: 01 Jul 2016-05 Aug 2016, 002nd District, IUCR Code 0940 (Foreign Recovery). The results showed thirteen (13) vehicles recovered during that time span. Further, from 01-17 Jul 2016 there was one (1) vehicle recovered. From 18 Jul-05 Aug 2016 there were twelve (12) vehicles recovered (ATT#4,17).

Upon review of this information, the undersigned sent a Witness Notification (ATT#15) requesting a report from Lt Victor GREEN #257, 3rd Watch, 002nd District. In his report GREEN documented that during the month of June 2016 he became aware of a crime pattern whereby luxury automobiles were being stolen from the suburbs by local gang members. GREEN noted that these vehicles would be utilized when committing shootings and robberies, and that many had been observed in the 002nd District. GREEN related that though this information was not listed in the C.O. Book, he would receive a daily update via email from members assigned to the Bureau of Detectives and other agencies regarding active steals. GREEN related that he and other supervisors assigned to the 3rd Watch would disseminate this information during roll calls several times a week. GREEN continued on to note that this dissemination of information included the date of 04 Aug 2016. GREEN stated that the existence of this crime pattern was common knowledge amongst 002nd District Officers, including both of the accused (ATT#15-16).

GREEN related that on 04 Aug 2016 he had interaction with the reporting party, Bobby RUSH. GREEN documented that, " RUSH stated his dissatisfaction with being stopped..." GREEN related that he informed RUSH of the ongoing crime pattern involving stolen luxury vehicles, to which RUSH replied to GREEN, in essence and not verbatim, that RUSH has been a pillar of the community for over 40 years, they (the accused) should know who he is (ATT#16).

-Accused Officer Shaun SUSNIS #3178 was sent his Notification of Allegations (ATT#20) and related paperwork. He and his counsel appeared at the Bureau of Internal Affairs offices to respond to the allegations (ATT#21). In his statement SUSNIS related, in essence and not verbatim, that a few weeks prior to the date of the incident, he was aware of the pattern of stolen vehicles in the 002nd District. SUSNIS stated that on the

date of the incident information regarding the auto thefts had been disseminated in roll call, and that one of the vehicles had been recovered earlier that day. SUSNIS related that they began patrol at approximately 1430hrs, and that he did not recall being assigned any specific mission for the day. He stated that he was the passenger in the vehicle. SUSNIS related that RUSH's plate was run as a routine plate check in traffic, and that FIGUEROA had brought the plate to his attention. SUSNIS stated that to the best of his knowledge the plate check was random. He further related that his methodology to running random plate checks is that he looks up and sees a vehicle in traffic or parked, he runs the plate. He does not take into account the driver or passenger's ethnicity or age (ATT#20-21).

SUSNIS stated that when RUSH's plate was run, he did not know it was a Congressional plate, and that he had never been trained on the procedure to run one. He stated that when the information came back to a Cadillac, he ran the information over the air for verification. SUSNIS related that RUSH's vehicle was curbed due to the probable cause of a law violation for improper registration. SUSNIS stated that during the stop he was the guard Officer and that he had no interaction with RUSH. He stated that FIGUEROA informed RUSH of the reason for the stop and asked for his license, registration, and proof of insurance. SUSNIS admitted that he did not hear the entire conversation, as he was inspecting the vehicle and observing the surroundings as the guard Officer. SUSNIS related that FIGUEROA was courteous toward RUSH but he could not hear whether RUSH was courteous as well. SUSNIS stated that he had no perception of the race of RUSH until FIGUEROA revealed RUSH's identity to SUSNIS. SUSNIS denied knowing prior to the stop that the vehicle belonged to RUSH, that he had never seen RUSH in the 002nd District, and was unaware that RUSH was the Congressman for the area encompassing the 002nd Police District (ATT#21).

SUSNIS stated that he was aware that RUSH presented an expired insurance card to FIGUEROA, and that RUSH was not issued a citation because the Officers exercised their Officers discretion not to cite RUSH. SUSNIS related that he was not present when FIGUEROA completed a TSSS card, and that he believed that she also completed an ISR. SUSNIS was asked why he stopped running license plate checks shortly after the stop in question he related that soon after the stop they were called into the station. While they were still in the station lot, they heard a call of a prisoner escape and shots fired, and that he assisted in locating the escapee. During this assist there was a foot pursuit, during which SUSNIS was injured and transported to the hospital for treatment. SUSNIS related that they did not return to the patrol after that (ATT#21).

- Accused Officer Gabriela FIGUEROA #2931 was sent her Notification of Allegations (ATT#22) and related paperwork. She and her counsel appeared at the Bureau of Internal Affairs offices to respond to the allegations (ATT#23). In her statement FIGUEROA related, in essence and not verbatim, that a few weeks prior to the date of the incident, she was aware of the pattern of stolen vehicles in the 002nd District. She related that on the date of the stop, she was the driver of the squad vehicle and that she had logged onto the computer in the vehicle. FIGUEROA related that they were running random license plate checks and that she had first observed RUSH's vehicle. She related that the vehicle fit the pattern of stolen vehicles, which is what drew her attention to the vehicle. FIGUEROA

stated that when SUSNIS ran the plate, she did not know that it was a Congressional plate, she does not know the specific procedure to run one, and that she had received no training on how to run that specific type of plate. FIGUEROA related that SUSNIS told her the plate was coming back to a Cadillac, at which time he ran the plate over the air to verify the results. FIGUEROA related that her probable cause for curbing the vehicle was that the plates were not coming back to a Lexus (ATT#22-23).

FIGUEROA stated that upon curbing the vehicle, she exited her squad vehicle and approached RUSH's vehicle. She related that she was unable to see the driver at that time. FIGUEROA related that RUSH was the sole occupant of the vehicle. FIGUEROA further related that she was the business Officer for the stop, that SUSNIS was on the passenger side of RUSH's vehicle, and that at no point did SUSNIS engage RUSH in conversation. FIGUEROA related that she first perceived the race of RUSH as she approached RUSH's window, and that in her perception, RUSH was black. FIGUEROA stated that prior to stopping the vehicle she was not aware that the Lexus belonged to RUSH. She continued to say that prior to that date she had never seen RUSH in the 002nd Police District, and that she was unaware prior to that date that RUSH was the Congressman for the area encompassing the 002nd Police District (ATT#23).

FIGUEROA was asked if RUSH had presented her with an insurance card that was valid at the time of the stop and she replied in the negative. When asked if during their second conversation whether she asked RUSH to present a valid insurance card she did not recall whether she asked for one or not. FIGUEROA related that she did not issue RUSH a ticket for no valid insurance, citing Officers discretion (ATT#23).

FIGUEROA described RUSH's tone as "short and annoyed" during their interactions. She described her tone as "calm and professional" and stated that she used her calm tone and an explanation for the stop as de-escalation techniques to calm RUSH (ATT#23).

When shown an electronic copy of the TSSS Card which was completed, FIGUEROA related that she had completed a paper card. She was asked about the inaccuracies in the card and admitted that it could have been her fault, or the data entry operator who inputted the card into the CLEAR system. FIGUEROA related that she also completed an ISR for the stop. FIGUEROA was asked why so few plates were run by she and SUSNIS after the stop. She related that shortly after the stop, she and SUSNIS were called into the station. While there, an incident occurred in the parking lot. A foot chase ensued during which SUSNIS was injured. FIGUEROA related that they spent the rest of the tour of duty in the hospital while SUSNIS was treated for his injuries (ATT#23).

CONCLUSION

-During his interview RUSH claimed that SUSNIS was driving the police vehicle and never exited the vehicle through the entirety of the stop. The video shows that SUSNIS was the passenger, and that during the stop he moved from the front of RUSH's vehicle to the back at various points. RUSH stated that he wasn't wearing a hat, though the video

shows that he was wearing a cap. These inconsistencies show that RUSH's perception of the incident was inaccurate.

Further, when RUSH was asked specifically what actions that the Officers took that led him to believe that he had been racially profiled during the interaction, RUSH responded, in part, that he "knows the connotations of a Cadillac and a black man." He also stated that the fact that his vehicle was clean and had Armor All on the tires "attracted" the accused to him. Finally, RUSH related that "...they stopped me for no other reason other than a black man driving a Lexus east on 47th St. That's why I knew I was racially profiled. An aged white man on 47th St on a bright and sunny afternoon wouldn't have been stopped." RUSH's response was opinion and supposition that he was stopped for reasons of racial bias, and not supported by anything of evidentiary value. RUSH voiced no reasonable articulable suspicion supporting his allegation.

-The TSSS Card and ISR completed by accused Officer FIGUEROA both state that RUSH was curbed for probable cause (Improper Registration). The LEADS printouts show that the accused erred in the procedures they used to run RUSH's plate, but evidence gathered from the Illinois Secretary of State website shows over one hundred different types of Illinois plates. The vast majority of these plates need to be run in a specific fashion to yield the proper information. Captain SESSO, formerly of the Training Academy, provided evidence that there is no training offered currently, nor has there been training in the recent past which would make an Officer adept in running the vast number of plates available today. The accused and their dispatcher ran Congressional plate "1," under the correct type of plate, but not knowing to add the "CG" after the "1." Dispatchers have a greater access to the LEADS system than sworn members of the Chicago Police Department, and the evidence shows that the dispatcher had a similar issue as the accused while running the plate. In his interview RUSH stated that his "...license plates are the only license plates in America with the number one (1) and US Congress written above it." This is a matter of training due to the over one hundred types of Illinois license plates, as well as those of other states. The evidence shows that the accused acted in good faith when curbing RUSH.

-Lt Victor GREEN, 3rd Watch, 002nd District reported that he had personally disseminated information regarding a pattern of stolen autos which had been in and around the 002nd District. He reported that he had supplied the 3rd Watch with regular updates regarding this pattern, and the pattern was common knowledge among members of the 3rd Watch. Further, evidence gathered from the CLEAR system showed that in the weeks prior there had been a precipitous increase in Foreign Recoveries in the 002nd Police District.

-Both of the accused Officers related that they were aware of the pattern of stolen vehicles. They both related that upon running RUSH's plate via PDT the information received showed that the plate came back to a Cadillac, so they confirmed the information over the air. Further, their account is confirmed by the LEADS printout which shows that the plate "1" was run first via the PDT on which FIGUEROA was logged in, and shortly afterward by the dispatcher. The time stamps on these conform to

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the time stamps on the videos which memorialize the event. The evidence shows that the reason for the stop was Improper Registration.

-Based upon the totality of the evidence presented and the lack of reasonable articulable suspicion by the reporting party that the traffic stop was conducted due to racial bias, the undersigned recommends that this investigation be closed and classified as "UNFOUNDED."



Sergeant James FIEDLER #1989
Bureau of Internal Affairs